

05-10-04

1642

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|---|-------------------------|--|------------------------------|---------------------------|
| AMENDMENT TRANSMITTAL LETTER | | | CLIENT-MATTER NO.: 66671-061 | |
| SERIAL NO: 09/229,229 | FILING DATE: 1/12/99 | EXAMINER: A. L. Holleran | GROUP ART UNIT: 1642 | CONFIRMATION NO.: 7340 |
| INVENTION: COMPOSITIONS AND METHODS FOR TREATING CELLS HAVING DOUBLE MINUTE DNA | | | | |
| COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, VA 22313-1450 | | <p>CERTIFICATE OF MAILING BY "EXPRESS MAIL" "EXPRESS MAIL" MAILING LABEL NUMBER: EV 400 551 548 US DATE OF DEPOSIT: May 6, 2004 I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER 37 C.F.R. 1.10 ON THE DATE INDICATED ABOVE, AND IS ADDRESSED TO: COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450</p> <p><u>Paul Choi</u> (TYPED OR PRINTED NAME OR PERSON MAILING PAPER OR FEE)</p> <p><u>Paul Choi</u> (SIGNATURE OF PERSON MAILING PAPER OR FEE)</p> | | |

Transmitted herewith is a Communication in Response to Notice of Non-Compliant Amendment mailed April 6, 2004, in the above-identified application.

- ☒ Small Entity status of this application has been established under 37 CFR 1.27.
- ☒ Revised Response to Office Action mailed December 16, 2003.
- ☐ Petition for Extension of Time is enclosed (in duplicate).
- ☐ Terminal Disclaimer with fee under 37 C.F.R. 1.20(d) is enclosed.
- ☒ No additional claims fee is required.
- ☐ An additional claims fee is required and has been calculated as shown below:

CLAIMS AS AMENDED

| | NUMBER AFTER AMENDMENT | | HIGHEST NUMBER PREVIOUSLY PAID FOR | | NUMBER EXTRA | | RATE | | | FEE | |
|--|------------------------|---|------------------------------------|--|--------------|---|----------------------|--------------|---|--------------|--------------|
| | | | | | | | SMALL ENTITY | OTHER ENTITY | | SMALL ENTITY | OTHER ENTITY |
| TOTAL CLAIMS | 17 | - | 22 | | 0 | x | \$ 9.00 | \$ 18.00 | = | \$ 0.00 | \$ 0.00 |
| INDEPENDENT CLAIMS | 1 | - | 3 | | 0 | x | \$ 43.00 | \$ 86.00 | = | \$ 0.00 | \$ 0.00 |
| FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM | | | <u> </u> YES | | <u>X</u> NO | | \$140 | \$280 | = | \$ 0.00 | \$ 0.00 |
| | | | | | | | TOTAL ADDITIONAL FEE | | | \$ 0.00 | \$ 0.00 |

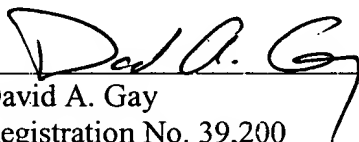
- * If the "HIGHEST NUMBER PREVIOUSLY PAID FOR" is less than 20, write "20" in this space.
- ** If the "HIGHEST NUMBER PREVIOUSLY PAID FOR" is less than 3, write "3" in this space.
- *** If the difference between the "NUMBER AFTER AMENDMENT" and the "HIGHEST NUMBER PREVIOUSLY PAID FOR" is less than 0, write "0" in the space.

Inventor(s): Wahl et al.
Serial No.: 09/229,229
Filed: January 12, 1999
Page 2

- ☐ Please charge my Deposit Account No. 502624 the amount of \$_____, \$ of which covers the fee for a -month extension of time. A duplicate copy of this sheet is enclosed.
- ☒ The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment to Deposit Account No. 502624. A duplicate copy of this sheet is enclosed.
- ☒ The Commissioner is hereby authorized to charge to Deposit Account No. 502624 any fees under 37 CFR 1.17 which may be required under 37 CFR 1.136(a)(3) for an extension of time in any concurrent or future reply requiring a petition for extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Date: May 6, 2004



David A. Gay
Registration No. 39,200
Telephone: (858) 535-9001
Facsimile: (858) 535-8949

McDERMOTT, WILL & EMERY
4370 La Jolla Village Drive, Suite 700
San Diego, California 92122



PATENT
Client-Matter No.: 66671-061

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Wahl et al.

Serial No.: 09/229,229

Filed: January 12, 1999

For: COMPOSITIONS AND METHODS
FOR TREATING CELLS HAVING
DOUBLE MINUTE DNA

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

) Confirmation No: 7340

) Group Art Unit: 1642

) Examiner: A. L. Holleran

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) "EXPRESS MAIL" MAILING LABEL NUMBER: EV 400 551 548 US
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Paul Choi

(TYPED OR PRINTED NAME OR PERSON MAILING PAPER OR FEE)

Paul Choi

(SIGNATURE OF PERSON MAILING PAPER OR FEE)

**COMMUNICATION IN RESPONSE TO NOTICE OF NON-COMPLIANT
AMENDMENT**

Responsive to the Notice of Non-Compliant Amendment (37C.F.R. §1.121) mailed April 6, 2004, Applicants submit a revised Response to the Office Action mailed December 16, 2003. The revised Response has been changed to reflect a complete listing of all the claims. Entry of the amendments and remarks contained in the Response filed herewith is respectfully requested.

Dated: May 6, 2004

Respectfully submitted,

David A. Gay

David A. Gay
Registration No. 39,200
Telephone No. (858) 535-9001
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RESPONSE TO OFFICE ACTION

Responsive to the Office Action mailed December 16, 2003, entry of the
Amendments below and consideration of the following Remarks is respectfully requested.

Amendments to the Claims begin on page 2 of this paper.

Remarks begin on page 5 of this paper.